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January 18, 2005

**BY HAND DELIVERY**

Mr. Lawrence H. Norton  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

**Re: MUR 5619**

Dear Mr. Norton:

On behalf of Kerry-Edwards 2004, Inc. and Robert Farmer, as Treasurer (collectively, "Respondent"), this letter is submitted in response to the complaint filed by Jeffrey K. Thompson ("the Complaint") and subsequently labeled MUR no. 5619. The Complaint should be immediately dismissed.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation. *See* 11 C.F.R. §§ 111.4(a), (d) (2004). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. *See* Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, MUR 4960 (Dec. 21, 2001).

The Complaint refers to two communications. One is a mailing which states, "From: Your local Democratic Candidates." Although the sample ballot does include John Kerry, the photographs and text included in the mailing focus on local candidates Shama Haider and Pat Rouse. Respondent had no involvement with this mailing.

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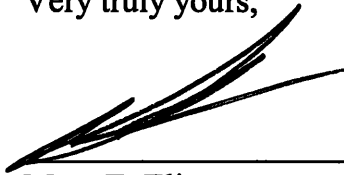
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The second communication is a large billboard featuring local candidates Haider and Rouse. Someone appears to have attached a Kerry-Edwards bumper sticker and a Kerry-Edwards yard sign to the billboard. Respondent does not have any information about how these materials came to rest on this billboard in Tenafly, NJ.

Respondent respectfully requests that the Commission dismiss the Complaint.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Marc E. Elias', written over a horizontal line.

Marc E. Elias

Counsel to Kerry-Edwards 2004, Inc.

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